

REMARKS

Claims 1-24 are pending. Claims 1-24 are rejected. No new subject matter has been added. Claims 1-24 remain pending. Reconsideration of the claims is requested in light of the following remarks.

Claim Rejections - 35 USC § 102

Claims 1-3, 9-11, and 15-17 are rejected under 35 USC 102(e) as being anticipated by Schuster et al. (US 6,360,271). The rejection is respectfully traversed.

Independent claims 1, 9 and 15 specify a server transmitting data received from a source at a regular rate and at first at a faster burst rate. By transmitting data first at a higher burst rate the de-jitter buffer 364 can be filled to a full level faster more quickly. This reduces the start-up delay at the de-jitter buffer before received media packets can be played out. After the de-jitter buffer is full, the normal transmission rate is used to keep the de-jitter buffer full. FIG. 5, page 6, lines 19-37.

Conversely, Schuster has nothing to do with reducing the amount of time required to fill up a de-jitter buffer. Schuster is only interested in synchronizing time signals for packets in order to better schedule delayed packet play-out. Col. 5 line 9-col. 6 line 8. There simply is no suggestion in Schuster of changing the rate that packets are transmitted to the de-jitter buffer. Schuster does discuss selecting different transmission paths according to an amount of delay and/or jitter in a network path. However, the packets are still transmitted at the same rate regardless of which path is selected. Col. 14 line 52- col. 15, line 14.

The first packets transmitted on a shorter delay path may arrive at the de-jitter buffer more quickly using the system in Schuster. However, the de-jitter buffer will not be filled significantly faster because the packets are not transmitted at a faster burst rate. Therefore, Schuster cannot provide the reduced de-jitter buffer start-up delay provided by the present invention.

For this reason, claims 1-6 and 9-20 are allowable under 35 USC 102(e) over Schuster.

Claim Rejections - 35 USC § 103

Claims 4, 7-8, 12, 18, and 21-24 are rejected under 35 USC 103(a) as being unpatentable over Schuster et al. in view of Ketcham. The rejection is respectfully traversed.

Claim 21 and amended claim 7 specify storing data in a de-jitter buffer and initiating play out of the stored data from the de-jitter buffer when the de-jitter buffer reaches a fill level and then changing the fill level while playing out the stored data.


No where does Schuster, Ketcham, or Vetro suggest the limitations specified in claims 7 and 21. Ketcham only discusses altering a jitter time estimation by measuring a packet arrival time to a jitter time. Col. 8, lines 49- col. 10, line 9. There is no suggestion of changing a de-jitter fill level after a first fill/play-out level is reached.

For this reason claims 7, 8, and 21-24 are allowable under 35 USC 103(a) over Schuster et al. in view of Ketcham and in further view of Vetro et al..

CONCLUSION

For the foregoing reasons, reconsideration and allowance of claims 1-24 of the application as amended is solicited. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,



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